

MINUTES OF A REGULAR MEETING OF THE HYRUM CITY PLANNING
COMMISSION HELD THURSDAY, APRIL 14, 2016 IN THE HYRUM CITY
COUNCIL ROOM, 60 WEST MAIN.

CONVENED: 6:30 P.M.

CONDUCTING: Chairwoman Angi Bair.

PRESENT: Chairwoman Angi Bair, Vice-Chairwoman Terry Mann,
Commissioners Wayne Olsen, Brian Carver, Kevin Anderson and
Alternate Jeff Nielsen.

EXCUSED: NA

OTHERS PRESENT: City Administrator Ron Salvesen, Jeff Covert,
Colter Leishman, Dan Larsen, Roy Savage and City Council Member
Kathy Bingham. Secretary Michelle Jensen recorded the minutes.

PLEDGE OF ALLEGIANCE: Commissioner Wayne Olsen

INVOCATION: Commissioner Terry Mann

APPROVAL OF MINUTES:

Discussion:

NA

ACTION Commissioner Terry Mann made a motion to approve the
minutes of March 10, 2016 as written. Commissioner Wayne
Olsen seconded the motion and all commissioners present
voted aye.

AGENDA APPROVAL:

A Copy of the notice and agenda for this meeting was FAXED to The
Herald Journal, and mailed to each member of the Planning
Commission, and posted at the City Offices more than forty-eight
hours before meeting time.

ACTION Commissioner Jeff Nielsen made a motion to approve the
Agenda for April 14, 2016 as written. Commissioner Terry
Mann seconded the motion and all commissioners present
voted aye.

AGENDA

6. SCHEDULED DELEGATIONS:

- A. [Jeff Covert](#) - to request site plan approval for a
auto repair business at 40 West 300 North, Hyrum.
- B. [Colter Leishman](#) - to request approval for Shady

Hills a 2 lot mini subdivision at approximately 350 South 300 East, Hyrum.

C. [Dan Larsen, Kartchner Homes](#) - to request preliminary plat approval for Rolling Hills Phase 3, a 10 lot single family dwelling subdivision at 450 South 400 East, Hyrum.

D. [Roy Savage](#) - to request preliminary plat approval for Hidden Valley, a 43 lot single family dwelling subdivision at 30 North 650 West, Hyrum.

7. OTHER BUSINESS:

A. Discussion of miscellaneous land use items.

8. ADJOURNMENT

SCHEDULED DELEGATIONS:

A. JEFF COVERT - TO REQUEST SITE PLAN APPROVAL FOR A AUTO REPAIR BUSINESS AT 40 WEST 300 NORTH, HYRUM.

Discussion:

Jeff Covert stated he will be moving into new space at 40 West 300 North to do auto repair.

Commissioner Wayne Olsen stated the building faces north and asked if that will be the front entrance on north side.

Jeff Covert stated yes.

Commissioner Wayne Olsen asked if he will be planning on any kind of a sign.

Jeff Covert said Randy Godfrey owns the building and he has talked about one in the future. Jeff said for the time being he plans to hang banners on the side of the building.

Ron Salvesen said he can put banners up.

Jeff Covert stated he will have one on the west side and a smaller one on the back of the building.

Commissioner Jeff Nielsen asked where he planned to park vehicles while they are waiting to be repaired.

Jeff Covert said there is room for several cars inside but there is room for fifteen to twenty cars outside. He can put six cars on northwest corner and the rest to the north of the space.

Commissioner Wayne Olsen asked if some are designated handicaps spaces.

Jeff Covert said none are designated.

Chairwoman Angi Bair asked if the parking was for the whole

building so if he rents out other building space would he lose parking.

Jeff Covert said no, he had designated spaces.

Commissioner Terry Mann stated there was parking to the east side. Terry asked if he would be using that parking.

Jeff Covert said no.

Commissioner Jeff Nielsen asked how long he anticipates cars being parked outside.

Jeff Covert said most cars are in and out the same day, sometimes you have a car for a week or two.

Commissioner Jeff Nielsen asked if they did leave it for a week or two would be to the north of building.

Jeff Covert said yes.

Commissioner Jeff Nielsen asked how many do you anticipate outside over night at a time.

Jeff Covert said that will vary widely but doesn't imagine no more than ten at a time in general overnight.

Commissioner Wayne Olsen asked if the complex already had a fence around it.

Jeff Covert said there is not one there yet, he has talked about one in the future.

Commissioner Wayne Olsen asked what the existing fences are.

Ron Salvesen said there is one on the west side that is a wood fence painted white.

Jeff Covert said he talked about building a fence on the north side of the property in the future.

Commissioner Wayne Olsen asked if there are existing outside lights.

Jeff Covert said yes.

Commissioner Terry Mann asked how many employees.

Jeff Covert said to start himself and eventually two or three.

Commissioner Brian Carver arrived at 6:40PM.

ACTION Commissioner Wayne Olsen made a motion to approve the request for an auto repair business at 40 West 300 North, Hyrum. Commissioner Jeff Nielsen seconded the motion and all commissioners present voted aye.

B. COLTER LEISHMAN - TO REQUEST APPROVAL FOR SHADY HILLS A 2 LOT MINI SUBDIVISION AT APPROXIMATELY 350 SOUTH 300 EAST, HYRUM.

Discussion:

Commissioner Jeff Nielsen stated he did the surveying on the property so he will participate in the discussion but will not vote.

Colter Leishman stated he split off a piece of property on the north end of the parcel that is 82.5 by 183.

Commissioner Wayne Olsen asked if that is the one that says lot two.

Colter Leishman said yes.

Commissioner Terry Mann asked if there are any buildings on there now.

Commissioner Jeff Nielsen said a barn that sits back on west side of lot one.

Commissioner Terry Mann said nothing on lot two.

Commissioner Jeff Nielsen said nothing on two.

Commissioner Wayne Olsen asked if the rest of lot one would be subdivided at some point.

Colter Leishman said yes, down the road.

Commissioner Kevin Anderson arrived at 6:45pm.

Ron Salvesen stated there is some of this that sits on the flood plain and he will have to get a delineation and if he doesn't get that he will have to build above the flood plain.

ACTION Commissioner Brian Carver made a motion to approve the request for Shady Hills a 2 lot mini subdivision at approximately 350 South 300 East, Hyrum. Commissioner Terry Mann seconded the motion and all commissioners present voted aye.

C. DAN LARSEN, KARTCHNER HOMES - TO REQUEST PRELIMINARY PLAT APPROVAL FOR ROLLING HILLS PHASE 3, A 10 LOT SINGLE FAMILY DWELLING SUBDIVISION AT 450 SOUTH 400 EAST, HYRUM.

Discussion:

Dan Larsen stated they are continuing on with Rolling Hills, another ten lots to build on the next year. Dan stated they will just follow the curve of road. Dan stated the large canal that sits between him and Leo C Nelson subdivision will get piped, they will just pipe it as they develop. He said they will put in a junction and move the head gate to the top.

Commissioner Wayne Olsen asked if most of the ones built are they already sold.

Dan Larsen said the last one they built had nine lots and five are sold with interest in two of the others.

Commissioner Wayne Olsen asked if there are two houses existing there now.

Dan Larsen said yes and the existing retention pond is on the north border.

Commissioner Terry Mann asked when they do the turnaround easement do you just level that out so people can turn around.

Dan Larsen said yes it is large enough for fire code, large enough a fire truck can turn around.

Commissioner Terry Mann asked how long to develop, finish phase three.

Dan Larsen said once they start developing it they will take about two and half months.

Commissioner Terry Mann asked when they are planning on starting.

Dan Larsen said as soon as they get approval.

Commissioner Kevin Anderson asked if they were going to pipe the canal as they proceed.

Dan Larsen said yes before they start pulling building permits that will be piped.

ACTION

Commissioner Terry Mann made a motion to approve the request for a preliminary plat approval for Rolling Hills Phase 3, a 10 lot single family dwelling subdivision at 450 South 400 East, Hyrum. Commissioner Wayne Olsen seconded the motion and all commissioners present voted aye.

D. ROY SAVAGE - TO REQUEST PRELIMINARY PLAT APPROVAL FOR HIDDEN VALLEY, A 43 LOT SINGLE FAMILY DWELLING

SUBDIVISION AT 30 NORTH 650 WEST, HYRUM.

Discussion:

Roy Savage is looking to start with eleven lots in the Hidden Valley subdivision. He stated it falls between two other developments currently underway, South Cache subdivision and Mt. Sterling Farms. He would like to offer individuals something different with the variety of lot sizes and geography of land.

Commissioner Jeff Nielsen stated they did receive a letter from the Canal Company with valid concerns. He feels there is a possibility of fencing along the canal right of way, there is a steep hill. Jeff says it looks like it is a pretty good drop off in phase 2 and 4 to the canal.

Roy Savage said not in phase 2, it's not that steep. Phase 4 would have a couple lots that have a rather steep drop off.

Commissioner Jeff Nielsen said lots 14 & 15 have a steep drop off.

Roy Savage said Utah has an open canal policy, as one individual looking to build on lot 14 he would rather not have a fence. He asked what would be the purpose of having a fence.

Commissioner Jeff Nielsen said the canal companies have been hit by two things, a little boy fell in the canal and the steep slope going down to it doesn't help.

Roy Savage stated he is not sure a fence is going to stop that.

Commissioner Jeff Nielsen stated the other thing is a fence does delineate property. He has seen where someone's property backs up to a canal and over time there improvements creep a little further out and with a fence they usually don't go beyond that. He stated a fence puts a hard line, he can see the benefits of a fence.

Roy Savage stated the canal company does not own the property that they currently run on, they have prescriptive right of away.

Commissioner Terry Mann asked if these are bigger lots than average.

Roy Savage said there is a variety of a lot of lot sizes. He said a quarter acres up to a little over an acre.

Ron Salvesen stated he had a discussion with someone that works with canal companies. He said we have to notify the canal company's if they have registered with us and this is the one canal company that registered with the city. Ron said we need to address the drainage, they cannot run that into the canal without the canals companies' authorization.

Roy Savage said he has three options and the first one is a retention pond. He is looking at that. He also can run it across the canal to another property.

Ron Salvesen said he would recommended making sure there was an agreement with canal company or making sure they keep it on their property. He stated the stub road has a grade that runs the water right into the canal and that needs to be dealt with also. He said the pollution comment he doesn't see as a big deal as long as the city engineer oks it. Ron said the fence could be an issue, still needs to be considered. He said at the very least there should be something on the plat that tells the people they have to be able to get in an maintain that.

Roy Savage said they have never maintained it on this side, they have always done the maintenance on the west side.

Ron Salvesen said they will still have to have access if they have a right of way.

Chairwoman Angi Bair asked Ron his thoughts on canal easement agreement.

Ron Salvesen said he thinks they are pushing a little bit, he does not think they can sign that liability away.

Chairwoman Angi Bair asked what the first eleven lots are he was thinking of developing.

Roy Savage said if you look at plat map they are labeled. He said phase one, straight down the hill. Roy said he is the first subdivision with a sewer lift station but just because he beat Mt. Sterling Farms to the punch. He stated Mr. Sterling Farms second or third phase will have to have a lift station. He said they are talking with Lifestyle Homes and they may only end up with one lift station between the two.

Ron Salvesen said they should have the final location of that approved by the city engineer.

Commissioner Jeff Nielsen asked if it would be more feasible to put the retention over by lot 39 or 22, seems like that is where the water leads to.

Roy Savage said based on soil tests they have done it does not work at those locations.

Chairwoman Angi Bair said it will be piped over to lot 45.

Roy Savage said yes, either piped or in the gutters.

Commissioner Jeff Nielsen asked what he is going to do with water on 775 west 85 south.

Roy Savage said that is something he will look at through engineering, based on the letter received today he has not had time to work through that.

Commissioner Jeff Nielsen stated to maybe put a temp catch basin at the end of curb and shot across the canal.

Commissioner Brian Carver asked how hard nose do we want to be on a fence. Brian said nothing is going to stop trash, leaves, etc. from getting in. He said if they do not want people on the canal right of way it is there responsibility to keep them off, not the neighboring land owners responsibility. He feels there are benefits to having a fence.

Commissioner Jeff Nielsen said he thinks Brian is right.

Commissioner Kevin Anderson said it might make more sense to put something on the plat instead of saying you have to have a fence.

Commissioner Jeff Nielsen said there prescriptive easement line is the use limits of the canal, what it takes for the canal company to occupy the canal and maintain it and that is it.

Roy Savage said if you walk the canal you aren't going to see a building back right next to the canal because there is a slope. He said maybe put some restriction into the CC&R's.

Commissioner Wayne Olsen asked if the homes built on a downhill side of the canal will need flood insurance.

Roy Savage said no, no flood zone in the area.

ACTION **Commissioner Kevin Anderson made a motion to approve the request for a preliminary plat approval for Hidden Valley, a 43 lot single family dwelling subdivision at 30 North 650 West, Hyrum with the condition of exact location of sewage lift station to be approved by the city engineer and coordinated with the adjacent property owners, recommended agreement to manage run off and drainage as discussed this evening. Commissioner Brian Carver seconded the motion and all commissioners present voted aye.**

OTHER BUSINESS:

Discussion:

Chickens:

Commissioner Jeff Nielsen thought we shouldn't allow roosters. He said if they have chickens outside of a coop they need to be in a fenced yard that they can't get out.

Ron Salvesen said they are thinking about allowing it as they do rabbits, for people that do not have animal rights under household pets.

Commissioner Kevin Anderson stated there are a lot more issues that come with chickens than other animals. He stated their feed gathers and bring mice and rats and you have other problems.

Commissioner Jeff Nielsen stated he has a neighbor that has chickens and he is ok but knows the good and bad come with it.

Commissioner Terry Mann asked if we have a way of controlling where they put their coop so it is not right next to a neighbor's property line.

Chairwoman Angi Bair asked how do we make sure coops are maintained and cleaned.

Commissioner Kevin Anderson said if you buy in a subdivision you are expecting not to have animal rights and if you want them you need to purchase property with animal rights.

Chairwoman Angi Bair said the neighboring cities are allowing it in subdivisions and we need to consider it.

Commissioner Kevin Anderson said every person he knows with chickens houses them on their property line and it imposes on their neighbor.

Commissioner Brian Carver ask how we enforce the amount of chickens.

Commissioner Jeff Nielsen said he is definitely against allowing it in multifamily and the trailer court.

Commissioner Terry Mann said no roosters and limit the number of chickens.

Commissioner Jeff Nielsen said we should leave it be, leave it the way you have it now.

Commissioner Terry Mann do we already have no roosters.

Ron Salvesen said no we allow them with animal rights.

Commissioner Wayne Olsen said he suggests handling it as a nuisance call and deal with it like that.

Commissioner Jeff Nielsen said he agrees.

Apartments:

Commissioner Brian Carver said his concern is they have denied several projects that have come with multifamily elements. He

stated there has always been the verbal agreement that years ago the mayor decided we will put multifamily on the east side of town which is great but we have no ordinance, plan, or zone that lives up to that statement. He said it is still subject to the city council and if they get the push back from the citizens they are going to keep saying no. He feels if we are going to say that we need to draw it out and make it part of the ordinance and if a project comes in and meets the ordinance it gets approved. He said he knows that means a big fight on where to put it but that means that fight will get fought once instead of every time a developer comes in with a proposal.

Commissioner Jeff Nielsen said he don't think he would oppose doing something like that but that is kind of what they had. Jeff said the East side was supposed to be the spot and it didn't work so where is the new spot.

Commissioner Terry Mann said the one next to the commercial zone should have went through.

Commissioner Jeff Nielsen said what is going to draw more commercial to our city is more people.

Commissioner Kevin Anderson stated to look at why those where declined, two very different reasons. He stated they made some recommendations to make some changes and he came back and didn't make the recommended changes. He feels Kartchners should have not paired with the neighborhood nonprofit. He feels it was so big and so evolving with everything that was involved there.

Commissioner Jeff Nielsen said he feels the opposition from the neighbors wrecked them both.

Chairwoman Angi Bair stated the one next to the other apartments was ideally the perfect spot.

Commissioner Kevin Anderson said it was bad timing with the election.

Ron Salvesen said we need to consider if we are not going to approve them then we need to not do it, it would save a lot of time and money for both sides.

Chairwoman Angi Bair said if you make it an actual zone it gives it more validity.

Commissioner Jeff Nielsen stated he wants to have a joint meeting with the council and see if there is an area that they can all agree on.

Ron Salvesen said Elk Mountain is sitting on a huge investment and they were given the indication that when they bought that property they would be able to finish that project so it will be kind of

difficult to say you can't finish that up there.

Commissioner Brian Carver said he thinks leaving the PUD ordinance the way it is for now is fine, they need to look at another way of accommodation the multifamily in the commercial zone.

Commissioner Jeff Nielsen said until we get that hashed out we should put a moratorium on it for at least 6 months.

Commissioner Kevin Anderson said the mayor requested they have this discussion so he thinks it is fair to understand why they denied the previous requests.

Commissioner Jeff Nielsen said he feels that is the way to proceed, have them tell us what will work for them and go from there.

Commissioner Brian Carver said he was present at city council meeting last month and the city council member that made the motion denied on the basis that the plan was substantially changed from its original plat.

Commissioner Wayne Olsen said he feels they need to move forward with a moratorium and then get some feedback from the city council.

Ron Salvesen said the one concern he has with that is the current owner is going to try and do something come July or August and if you put a moratorium on them now that the economy is good and this is their chance to finally do something up there he worries about boxing in that opportunity. He said you felt the desperation from the Elk Mountain residents at the meeting.

Commissioner Kevin Anderson said they were promised a lot but the concern he has are those are tenants and not property owners now. He said they are rentals because they are in them backwards. He said something needs to happen up there.

Chairwoman Angi Bair asked if they could work with city council to start working on something and give them a month or two.

Ron Salvesen said they are intended to be separate so you want to be careful but to some degree they could get together.

Commissioner Kevin Anderson asked what the proposal to city council looked like once a project was sent to them. He asked if they had read the minutes, etc.

Ron Salvesen said they do not have the minutes, they have the motion.

Commissioner Kevin Anderson asked if they could be more specific as to why they approved it.

Ron Salvesen said they all have the right to write their opinion and send to the city council as an individual or a group.

Commissioner Jeff Nielsen said he feels that would be a good idea. He doesn't think it would have to be on everything but major issues.

Commissioner Kevin Anderson said he feels the residents need to be educated about the zoning in which where they live so they don't come out the night of the approval as it is generally too late at that point.

Chairwoman Angi Bair said every time we have a public hearing we should send a letter to the council.

Commissioner Wayne Olsen said maybe after the meeting define some points to send over to them.

Commissioner Kevin Anderson proposed being more candid with the developers in telling them they need to do the suggested things to help get approved.

ADJOURNMENT:

ACTION There being no further business before the Planning Commission, the meeting adjourned at 8:55 p.m.

Angi Bair
Chairwoman

ATTEST:

Michelle Jensen
Secretary

Approved: April 14, 2016